

# Bosnia and Herzegovina

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## Freedom of the Press

The constitution of Bosnia and Herzegovina (BiH) guarantees freedom of the press, but politicians exert considerable pressure on journalists, and media outlets tend to be influenced by political parties and business leaders. Since the 1995 signing of the Dayton Accords, which ended the country's civil war, BiH has been split into two semi-independent constituent entities: the Federation of BiH, populated mostly by Bosnian Muslims (Bosniaks) and Croats, and Republika Srpska, whose population consists mostly of Serbs. Each entity has its own public broadcaster, private media, and political parties. Intimidation of the press is especially common in Republika Srpska.

Libel was decriminalized in 2003, but journalists can face civil penalties for libel complaints, and the burden of proof in such cases is placed on defendants. Municipal courts are often biased, and suits can drag on for years. In October 2013, a court in Banja Luka awarded €2,500 (\$3,270) in damages to Republika Srpska president Milorad Dodik in a libel lawsuit against journalist Ljiljana Kovačević over her reporting on embezzlement and abuse of power charges against Dodik, which had already been made public by Bosnian state police.

Hate speech is explicitly prohibited in the Federation, but the law in Republika Srpska simply prohibits causing racial, ethnic, or religious hatred. Nevertheless, the use of hate speech in the media is increasing and can now be seen even on public broadcasters. It is not uncommon for politicians and other influential individuals to label criticism as hate speech. In July 2013, members of the Alliance of Independent Social Democrats and the Serb Democratic Party threatened to sue several media outlets, including the national public broadcaster, Radio and Television of Bosnia and Herzegovina (BHRT); the Federation's public broadcaster, Federation Television; and the news portal Klix, for "inflaming people against Serb parliamentarians."

The process of obtaining information through the country's Law on Freedom of Access to Information can be cumbersome, and the law is not always heeded by government bodies. These complications discourage journalists from requesting official information. In 2013, proposed amendments to the law, ostensibly intended to protect privacy and bring the freedom of information regime into compliance with European Union (EU) standards, received international criticism for severely restricting access to information. Article 8.2 of the draft law drew widespread condemnation for its proposal to move large quantities of information out of the public domain, including information on how public funds are spent on social welfare as well as court decisions in cases not considered to be "of public interest." The proposed amendments remained under review at the end of 2013.

Under the 2003 Law on Communications, broadcast media are licensed and monitored by the Communications Regulatory Agency (CRA), which has executive powers to enforce regulations. Although it is often exposed to political pressure, the agency is financially independent, and its licensing decisions are generally seen as fair and impartial. However, since the government is ultimately responsible for approving the appointment of the CRA's director general and council members, the process is open to political interference. A draft electronic communications law proposed in 2013 to replace the Law on Communications was generally welcomed by the Organization for Security and Cooperation in Europe's media freedom representative, who nonetheless criticized the nebulous division of responsibility between the CRA, the Council of Ministers, and the Ministry of Communications and Transport set out by the bill,

which has the potential to undermine the CRA's independence.

Print and internet media outlets are self-regulated by the Press Council of BiH, which handles complaints from the public but has no power to fine, suspend, or close down outlets. Instead, it mediates between the complainant and the outlet, often resulting in a retraction or the publication of a response or denial from the complainant. The Press Council is one of only a few centralized institutions in BiH that serve both the Federation and Republika Srpska.

BiH has two entity-level public broadcasters, Federation Television and Radio Televizija Republike Srpske (RTRS), which are the largest public broadcasters in the country, and a national public broadcaster, BHRT. In January 2013, the BiH Council of Ministers adopted amendments to the Public Broadcasting System Law to create a fourth public broadcaster, which would air programming solely in Croatian. These amendments had yet to be adopted by the BiH Parliamentary Assembly at year's end. The two existing entity-level public broadcasters are generally organized along ethnic lines and are effectively under the control of ruling political parties, whose views they commonly reflect. The creation of a fourth broadcaster catering to Bosnian Croats would serve to further solidify ethnic divisions among the public broadcasters.

All three public broadcasters face considerable pressure from political parties and leaders across BiH. During 2013, the government of Republika Srpska took steps to increase its control over RTRS. In July, the National Assembly of Republika Srpska (RSNA) adopted legislation that allowed the public broadcaster to be financed directly through the budget of the Republika Srpska government, greatly undermining its independence and violating the Public Broadcasting System Law, which stipulates that financing for public broadcasters can only be derived through taxes and advertising revenue. The new law also included changes to the procedure for selecting RTRS board members, shifting control of the process to the RSNA. In a similar move in 2012, the House of Representatives of the Federation had appointed three individuals to a "provisional steering board" of Federation Television, despite the fact that no provisional board is established by law and only one member of the public broadcaster's steering board is supposed to be appointed each year. Recent internal changes at BHRT have also greatly undermined its editorial independence. In 2011, its statute was amended to give its steering committee, comprising four appointed members, full editorial and managerial control, including the authority to appoint editors and approve programming.

Journalists and media outlets frequently face harassment from political, religious, and business leaders in both constituent entities. The Free Media Helpline, a program run by the BiH Journalists' Association, recorded 44 free expression violations between January and November 2013, including three physical attacks. In September, the Sarajevo-based investigative weekly *Slobodna Bosna* suffered an arson attack, damaging the front door of the office. In February, individuals began making threats, including death threats, against Croatian journalist Predrag Lucić in online forums in response to his presentation of a book of ethnically charged satirical poetry in Mostar. In April in Trebinje, a bishop of the Serbian Orthodox Church verbally attacked BN TV correspondent Nebojša Vukanović over his reporting. In a separate incident, Dodik berated another BN TV journalist over the telephone, using coarse language. In October, the Alliance of Independent Social Democrats banned contact with journalists from BN TV, which had been critical of the party. Also in October, media reported that the director of BiH's State Investigation and Protection Agency had requested wiretaps on the weekly magazine *Dani* and the daily newspaper *Oslobođenje*.

According to IREX's 2013 Media Sustainability Index, BiH has 8 daily newspapers (most of which are privately owned), 105 weekly or monthly newspapers and magazines, 142 radio stations, 42 television stations, and 6 news agencies, of which 2 are state owned and 4 are privately owned. Although public television and radio stations in the two constituent entities are the most influential broadcasters in the country, there are also several private television stations with near-national reach, and recent years have

featured an increase in the number of private broadcasters. Access to the internet is not restricted by law, though it is limited to some degree by economic conditions. Nearly 68 percent of the population had access to the medium in 2013.

BiH's media outlets continue to be strongly divided along ethnic lines, and many are openly affiliated with political parties. The difficult economic situation faced by the media, made worse by the recent recession and the withdrawal of international funding for media outlets, has resulted in diminished independence of the media from political and commercial influences. Shrinking advertising revenues and advertiser affiliations with political parties have compelled many outlets to practice self-censorship in order to protect the interests of their advertisers. Corruption and the use of subsidies also influence media content. Outlets are often used as platforms to serve their owners' political or business agendas. Some have even begun fabricating stories in order to discredit individuals or organizations whose interests have collided with those of their owners or political patrons. The cozy relationship between progovernment media outlets and the ruling political parties includes financial benefits like tax breaks, government purchasing of advertising space, and even direct budget transfers. The government of Republika Srpska continues to provide direct financial support to largely progovernment media outlets through the funding of projects that have not been submitted to any public bidding process and lack defined criteria.

Economic hardship has dramatically decreased the quality of journalism in BiH. Journalists receive lower salaries than many other professionals, despite holding higher degrees, on average. Due to the weak financial position of many media outlets, salaries are not always paid regularly. As media outlets employ fewer staff, journalists are expected to produce more content. Reporters frequently present unsupported evidence, use unreliable sources, and ignore the right to reply. They also often fail to comply with international copyright standards, especially regarding online media.

## **2014 Scores**

### **Press Status**

Partly Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

50

### **Legal Environment**

**(0 = best, 30 = worst)**

10

### **Political Environment**

**(0 = best, 40 = worst)**

23

### **Economic Environment**

**(0 = best, 30 = worst)**

17